

September 30, 2003

Honorable Juan Flores
Superintendent of Education
Guam Department of Education
Post Office Box DE
Hagatna, Guam 96932

Dear Dr. Flores:

We have determined that your State's application for Federal Fiscal Year (FFY) 2003, under Part B of Individuals with Disabilities Education Act (Part B), can be conditionally approved.

Our determination that you are eligible for a conditional approval is based on our receipt of the following documents submitted by Guam to the U.S. Department of Education, Office of Special Education Programs (OSEP):

1. The Part B Eligibility Document Submission for FFY 2003 including the Eligibility Documents submitted May 2, 2000, and subsequent revisions to those Eligibility Documents and the Submission Statement submitted on May 9, 2003;
2. The June 30, 2003 letter from Guam to OSEP, in which Guam assures that as soon as possible, but no later than July 1, 2004, Guam will complete all of the changes set forth in the June 23, 2003 issues chart including: 34 CFR §§ 300.142; and
3. The e-mail letter dated June 23, 2003, which meets the requirement at §300.122 (a)(2)(ii)(B).

In the June 30, 2003 letter, Guam also assures that it will take steps to ensure that, throughout the period of this grant award, all public agencies in the State that provide special education and related services to children with disabilities will operate their programs in a manner fully consistent with Part B. Guam further assures that it will provide OSEP with a copy of a memorandum notifying all public agencies of the changes that impact on public agencies' provision of special education and related services that OSEP requires as a result of its review of the State's eligibility documents.

Please note that as part of your Eligibility Document Submission for FFY 2003, your State has made an assurance, under 34 CFR §80.11(c) that it will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding.

Any changes made by the State, after OSEP approval, to information that is a part of a State's eligibility documentation must meet the public participation requirements of the IDEA and must be approved by OSEP before implementation.

The Guam FFY 2003 IDEA Part B grant award is being released subject to the special conditions specifically identified in the Department's September 17, 2003 letter to Guam regarding the Single Audit Act (copy enclosed) and the additional FFY 2003 Special Conditions, as set forth in Enclosure C, that are being imposed on this grant pursuant to the Department's authority in 34 CFR §80.12. Specifically, OSEP determined that Guam is not reporting publicly and to the Secretary on the participation and performance of children with disabilities in the State on alternate assessments, as required at 20 U.S.C. 1412(a)(17) and 34 CFR §300.139(a)(2).

Enclosed is your grant award for funds currently available under the Department of Education FFY 2003 Appropriations Act for the Part B Section 611 (Grants to States). These funds are for use primarily in school year 2003-2004 and are available for obligation by States from July 1, 2003 through September 30, 2005.

The funding formula for the Section 611 program is the same as was implemented for FFY 2000. Subject to certain maximum and minimum funding requirements, State allocations are based on the amount that each State received from FFY 1999 funds, the general population in the age range for which each State ensures a free appropriate public education (FAPE) to all children with disabilities, and the number of children living in poverty in the age range for which each State ensures FAPE to all children with disabilities.

Enclosure A provides a short description of how Section 611 funds were allocated and how those funds can be used. In addition, Table I in Enclosure A shows funding levels for distribution of Section 611 funds.

These awards are based on submission of a complete eligibility document package, a signed assurance statement regarding resolution of issues identified in OSEP's review of that eligibility document package, and implementation of the provisions of the Individuals with Disabilities Education Act. The complete eligibility document package and assurances must be made available for public inspection.

We appreciate your ongoing commitment to the provision of quality educational services to children with disabilities.

Sincerely,

/s/Patricia J. Guard for

Stephanie Smith Lee
Director
Office of Special Education Programs

Enclosures

cc: Vincent Leon Guerrero.